

HOUSE BILL 1002

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4 and Section 55-50-504, relative  
to driving under the influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-415, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) A person age sixteen (16) or over but under age twenty-one (21) may not drive or be in physical control of an automobile or other motor driven vehicle while:

(A) The alcohol concentration in the person's blood is more than two hundredths of one percent (0.02%);

(B) Under the influence of alcohol;

(C) Under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or

(D) Under the combined influence of alcohol and any other drug set out in subdivision (a)(1)(C) to a degree which makes the person's driving ability impaired.

(2) For purposes of this section, "drug producing stimulating effects on the central nervous system" has the same meaning and includes the same items set out in § 55-10-401(b).

(b) The fact that any person who drives while under the influence of narcotic drugs or barbitol drugs is or has been entitled to use such drugs under the laws of this state does not constitute a defense to the violation of this section.

(c) This section establishes the offense of underage driving while impaired for any person age sixteen (16) or over but under age twenty-one (21). The offense of underage driving while impaired is a lesser included offense of driving while intoxicated.

(d)

(1) The offense of underage driving while impaired for a person age eighteen (18) or over but under age twenty-one (21) is a Class A misdemeanor punishable only by a driver license suspension of eighteen (18) months and by a fine of five hundred dollars (\$500). As additional punishment, the court may impose public service work.

(2) The delinquent act of underage driving while impaired for a person age sixteen (16) or over but under the age of eighteen (18) is punishable only by a driver license suspension of eighteen (18) months and by a fine of five hundred dollars (\$500). As additional punishment, the court may impose public service work.

(e) A person age sixteen (16) or over but under the age of eighteen (18) who commits the offense of underage driving while impaired commits a delinquent act.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.